

# BID FORM

For: Improvements to the Arlington Town Hall Plaza

Proposal (BID) of Mackay Construction Services, Inc  
(hereinafter called "Bidder") a corporation, organized and existing under  
the laws of the Commonwealth of Massachusetts.

Mackay Construction Services, Inc 197 Ballardvale Street, Wilmington, MA 01887

doing business as Corporation  
(corporation, proprietorship, partnership)

to the TOWN OF ARLINGTON hereinafter called "Owner". Gentlemen:

- A. The Bidder, in compliance with your invitation for bids for the Improvements to the Arlington Town Hall Plaza, Arlington Massachusetts, having examined the plan and specifications with related documents and the site of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the Contract Documents, of which this proposal is a part.

Bidder hereby agrees to commence work under this Contract on or before a date to be specified in the written "Notice to Proceed" from the Owner, and to complete the work by 01 December, 2020. The Bidder further agrees to pay as liquidated damages, the sum of \$100.00 for each consecutive calendar day thereafter that the works remains incomplete, as provided in the Instruction to Bidders, Modifications to General Conditions. Required completion dates are as follows:

- B. Bidder acknowledges receipt of the following addendum:

|            |               |       |
|------------|---------------|-------|
| addendum 1 | dated 8/5/20  | Dated |
| addendum 2 | dated 8/12/20 | Dated |
|            |               | Dated |

- C. Bidder agrees to perform all work described in the specifications and shown on the drawings, for the following lump sum price of:

1. Total Proposed Base Bid Contract Price:

Eight Hundred Forty Five Thousand Five Hundred Dollars (\$ 845,540.<sup>00</sup>)  
Forty

2. Bid Deposit on total bid price, including alternates, in the sum of:

Fifty Nine Thousand Fifty Two Dollars (\$ 59,052.<sup>00</sup>) in

the form of Bid Bond is submitted herewith in accordance with the INSTRUCTION FOR BIDDERS and is to become property of the Owner in the event the Contract and bonds are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

3. The Bid does not include premiums on Performance/Labor and Materials Bond.  
Cost of required Bond Premiums (for base bid and any and all alternates):

Bid Premiums Add \$ 15,422.50

4. Alternates

This bid includes Alternates as follows:

ADD Alternate No. 1: Subsurface radiant heating system for the lower plaza and pathway connection between plaza levels (Zone 3), including all pumps, piping, equipment, electrical and other appurtenances.

ADD Alternate No. 2: Furnishing and installing bike racks per the drawings and specifications.

ADD Alternate No. 3: Cleaning and repointing Town Hall Plaza balustrades, retaining and freestanding walls as well as cleaning the building façade within the contract limits

ADD Alternate No. 1: One Hundred Eighty Seven Thousand Five Hundred dollars  
and Zero cents \$( 187,500.00 ).

ADD Alternate No. 2: Two Thousand Five Hundred dollars  
and Zero cents \$( 2,500.00 ).

ADD Alternate No. 3: One Hundred Forty Five Thousand Five Hundred dollars  
and Zero cents \$( 145,500 ).

5. The Supplemental Unit Prices set forth herein shall be used to determine any equitable adjustment of the Contract in connection with the changes or extra work performed under this Contract as directed by the Town of Arlington.

It is mutually understood and agreed that such Supplemental Unit Prices include all items of costs, equipment, taxes and insurance of every kind, overhead, and profit for the Contractor and they shall be used uniformly, without modification for addition and deductions. Prices listed under ADDITIONS and DEDUCTIONS are to be the complete total price billed to and paid by the Town of Arlington therefor. There can be no more than fifteen (15) percent difference in price between the additions and deductions.

SUPPLEMENTAL UNIT PRICES FORM

| ITEM DESCRIPTION   | UNIT | ADDITIONS | Owner Approval |
|--------------------|------|-----------|----------------|
| 1. Loam Borrow     | CY   | 65        |                |
| 2. Granite Pavers  | SF   | 55        |                |
| 3. Brick Pavers    | SF   | 55        |                |
| 4. Concrete Paving | SY   | 150       |                |
| 5. Gravel Subbase  | CY   | 65        |                |

- D. If the Bid is accepted by the Owner, the undersigned agrees to complete the entire work provided to be done under the contract within the time stipulated by the Owner.
- E. The undersigned agrees that for extra work, if any, performed in accordance with the AGREEMENT, he will accept compensation as stipulated therein in full payment for such extra work.
- F. Bidder understands that the Owner reserves the right to reject any and all bids.
- G. The undersigned hereby agrees that he will not withdraw the Bid within sixty (60) consecutive calendar days after the actual date of the opening of Bids and that, if the Owner accepts this Bid, the undersigned will duly execute and acknowledge the required Contract Bonds within 10 days after notification that the AGREEMENT is ready for signature.
- H. Should the undersigned fail to fulfill any of his agreements as here in before set forth, the Owner shall have the right to retain as liquidated damages the amount of the Bid security, which shall become the Owner/s property. If a bid was furnished as bid security, it is agreed that the amount thereof shall be paid as liquidated damages to the Owner by the Surety.
- I. The Undersigned certifies under penalty of perjury that this Bid is in all respect bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the "person" shall mean natural person, joint venture, partnership, corporation or other business or legal entity.
- J. The undersigned certifies that he is able to furnish labor that can work in harmony with all with all laws and regulations applicable to awards made subject forty-four A.
- Have been in business under the present name for 16 years.
  - Ever failed to complete any work awarded? \_\_\_\_\_ (Yes), NO (No). If yes, explain: \_\_\_\_\_
  - Bank Reference: Eastern Bank, 90 Everett Ave., Chelsea, MA  
Hugh Archbald 617-235-8136

- K. The Bidder is required to state below all work he/she and his/her subcontractors (if subcontractors are to perform substantial portions of the work) has complete within the past 5 years of a similar character and value to that of the work included in the proposed Contract and to give references that will enable the Owners to judge the Bidder's experience, skill and business standing. The Bidder is required to list a minimum of 3 completed projects that are comparable in scope, complexity and value. For each project, include the name, location, type, date complete, construction value and owner contact.

SEE ATTACHED

(add supplementary page if necessary)

- L. The Bidder is required to state below all construction projects he/she currently has under contract. For each project, include the name, location, type, scheduled completion date, construction value and owner contact.

SEE ATTACHED

- M. The undersigned bidder hereby certifies that the tools and equipment required to meet the specified requirements of the Contract document, with special attention called to Section 02300 Earthwork, will be utilized in the performance of the work.
- N. The undersigned further certifies under the penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth of Massachusetts under the provisions of section 29F, or any other applicable debarment

provisions of any other chapter of the General Laws or any rule or regulation declared there under.

- O. The undersigned bidder hereby certifies he/she will comply with the minority workforce percentage ratio and specific affirmative action steps contained in the EEO/AA provisions of the Contract, including compliance with Minority/Women Business Enterprise as required under these contract provisions. The contractor receiving the award of the Contract shall be required to obtain from each of its subcontractors a copy of its bidder's certification and submit it to the contracting agency prior to the award of such subcontract, regardless of tier, that it will comply with the minority workforce ratio and specific affirmative action steps contained in these EEO/AA contract provisions.

Date: August 20, 2020

Mackay Construction Services, Inc

Name of General Bidder

By: James Mackay, President

Name and Title of Person Signing Bond

197 Ballardvale Street, Wilmington, MA 01887

Business Address

P. The Bidder is required to state below all work he/she and his/her subcontractors (if subcontractors are to perform substantial portions of the work) has completed related specifically to granite block salvage and reinstallation on projects of similar scope and value to that of the work included in the proposed Contract and to give references that will enable the Owners to judge the Bidder's experience, skill and business standing. The Bidder is required to provide a resume documenting at least 10 years' experience and list a minimum of 5 completed projects that are comparable in scope, complexity, and value. For each project, include the name, location, type, date complete, construction value, sample photographic documentation and owner contact.

Please See Attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORM A**

**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section the word 'person' shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

**James Mackay**

Authorized Name

8/20/2020

Authorized Signature

Date

20-1295591

Social Security Number or Federal Identification Number

Mackay Construction Services, Inc

Legal Name of Business Entity (Print or

197 Ballardvale Street

Type) Address

Wilmington, MA 01887

City, State, Zip Code

Corporate Seal (If applicable)

N/A

**FORM B**

**CERTIFICATE OF FOREIGN CORPORATION**

The undersigned certifies that it has been duly established, organized, or chartered as a corporation under the laws of:

\_\_\_\_\_  
Jurisdiction

The undersigned further certifies that it complies with the requirements of M.G.L, c. 30, sec. 39L and with the requirements of M.G.L, c. 181 relative to the registration and operation of foreign corporations within the Commonwealth of Massachusetts.

\_\_\_\_\_  
Name of Person Signing the Bid or Proposal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Signing the Bid or Proposal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Business (Print or Type)

Corporate Seal (If applicable)

**FORM C**

**COMMONWEALTH OF MASSACHUSETTS**

**SCHEDULE FOR PARTICIPATION BY WOMEN/MINORITY BUSINESS**

**ENTERPRISE BIDDER CERTIFICATION**

A bidder agrees to expend at least the amount of the contract set forth below if awarded, for W/MNE. For the purposes of this commitment, the designation means a business that has been certified by SOMWBA as such. The Bidder must indicate the W/MBE it intends to utilize in this document as follows: (Attach another sheet of necessary.)

| Company Name and Address    | Nature of Participant     | Dollar Value of Participation |
|-----------------------------|---------------------------|-------------------------------|
| 1. AM Equipment Charlestown | Labor/Concrete/Demolition | \$ 100,000                    |
| 2.                          |                           | \$                            |
| 3.                          |                           | \$                            |

The undersigned hereby certifies that he or she read the terms of this condition and is authorized to bind the Bidder to the commitment herein set forth.

James Mackay

Name of Person Signing the Bid or Proposal

President

Signature of Person Signing the Bid or Proposal

Title

Mackay Construction Services, Inc

Name of Business (Print or Type)

Corporate Seal (If applicable)



**FORM D**

**BIDDER CERTIFICATION REGARDING PAYMENT OF PREVAILING WAGES**

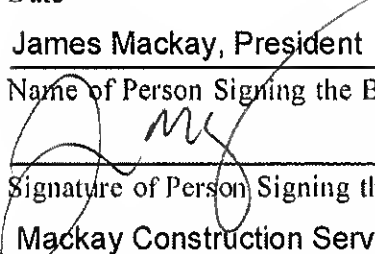
The undersigned hereby certifies, under pains and penalties of perjury, that the foregoing bid is based upon the payment to laborers to be employed on the project of wages in an amount no less than the applicable wage rates established for the project by the Massachusetts Department of Labor and Industries. The undersigned bidder agrees to identify the awarding authority for, from, and against any loss, expense, damages, action, or claims, including any expense incurred in connection with any delay or stoppage of the project work, arising out of or as a result of (1) the failure of the said bid to be based upon the payment of the said applicable prevailing wage rates or (2) the failure of the bidder, if selected as the contractor, to pay laborers employed on the project the said applying prevailing wage rates.

8/20/2020

Date

James Mackay, President

Name of Person Signing the Bid or Proposal

  
Signature of Person Signing the Bid or Proposal Title

Mackay Construction Services, Inc

Name of Business (Print or Type)

Corporate Seal (If applicable)

**FORM E**

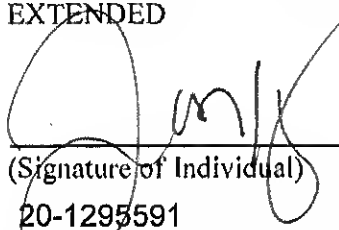
**CERTIFICATION OF PAYMENT OF STATE TAXES**

Legislation enacted by the Commonwealth of Massachusetts, effective, 1983, requires that attestation below be signed:

Pursuant to M.G.L. c. 62C, sec. 49A, I certify under the penalties of perjury, that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required by law.

APPROVAL OF A CONTRACT OR ANY OTHER AGREEMENT WILL NOT BE GRANTED UNLESS THIS CERTIFICATION CLAUSE IS SIGNED BY AN AUTHORIZED CORPORATE OFFICER.

THE TAX PAYER IDENTIFICATION NUMBER WILL BE FURNISHED TO THE MASSACHUSETTS DEPARTMENT OF REVENUE TO DETERMINE IF TAX FILINGS AND/OR TAX PAYMENT OBLIGATIONS HAVE BEEN MET. PROVIDERS WHO FAIL TO CORRECT THEIR NON-FILING AND/OR DELIQUENCY STATUS SHALL NOT HAVE A CONTRACT OR ANY OTHER AGREEMENT ISSUED, RENEWED OR EXTENDED

|  |                  |
|--|------------------|
|  | <b>President</b> |
| (Signature of Individual)  | Title            |
| <b>20-1295591</b>  |                  |
| Social Security Number or Federal Identification Number                            |                  |
| <b>Mackay Construction Services, Inc</b>   |                  |
| Corporate Name   |                  |

|   |                  |
|---|------------------|
| <b>James Mackay</b>                                 | <b>8/20/2020</b> |
| Name of Person Signing the Proposal (Print or Type) | Date             |
| <b>Mackay Construction Services, Inc</b>            |                  |
| Legal Name of Business Entity (Print or             |                  |
| <b>197 Ballardvale Street, Wilmington, MA 01887</b> |                  |
| Type) Business Address                              |                  |

Corporate Seal (If applicable)

**FORM F**

**CERTIFICATION OF AUTHORITY MEETING OF BOARD OF DIRECTORS**

(Note: if business entity is a partnership or individual, all owners shall sign this form.)

At a meeting of the Directors of the Mackay Construction Services, Inc duly called and held at

(Corporation)

Wilmington, MA on the seventh day of August, 20 20,  
(Location)

at which a quorum was present and acting, it was voted that James Mackay, the  
(Name)

President of this Corporation, is hereby authorized and empowered to  
make, (Title/Position)

into, sign, seal and deliver on behalf of the Corporation a Contract for Town Hall Plaza Improvements  
with the Town of Arlington, and the performance and  
payment bonds each in the amount as specified by the Owner.

I hereby certify that the above is a true and correct copy of the record, that said vote  
has not been amended or repealed and is in full force, and effect as of this date and  
that

James Mackay is duly elected President of the corporation  
(Name) (Title/Position)

Kyle Annutto, clerk 8/20/2020  
Clerk or secretary of the Corporation Date

(Note: If the Bidder is a corporation, affix corporate seal and give below the names of its  
president, treasurer, and general manager, if any; if a partnership, give full names and  
residential addresses of all partners; and if an individual, give residential address if different  
from business address.)

the required names and addresses of all person interested in this proposal, as  
Principals, are as follows:

James Mackay , 197 Ballardvale Street, Wilmington , MA 01887

## CONTRACTOR CERTIFICATION

Mackay Construction Services, Inc certifies that they:

(Contractor Name)

1. Will not discriminate in their employment practices.
2. Intend to use, if General Contractor, the following listed construction trades in the work under the contract:

Carpenters - Ironworkers - Laborers - Operators,

Masons - All Union Trades

3. If Trade Subcontractor, will provide the following work under the contract:

4. Will make good faith efforts to comply with the minority employee and women employee workforce participation ratio goals of the Town of Arlington and the Commonwealth of Massachusetts and specific affirmative steps contained herein; and to provide evidence of its good faith efforts. Attached hereto, please find:

- A. Employment Opportunities advertised in:

Our Network

- B. Notification to Minority/Women/Community based Organizations such as:

Our Network

C. List of workers referred to Contractor and note on what action was taken:

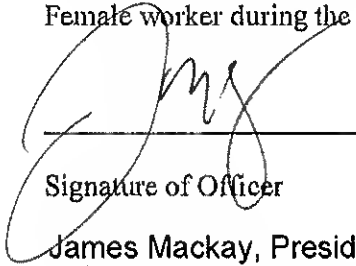
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D. Written notification that Union/Local No. New failed to refer a Minority or

Female worker during the week of: \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Officer

Date 8/20/2020

James Mackay, President

Printed Name of Officer and Title